

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUSTIN SHERWOOD,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.
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DECLARATION OF
GIDEON ORION
OLIVER

22-cv-7505 (BMC)

GIDEON ORION OLIVER, an attorney duly admitted to practice before this Court,
hereby declares under penalties of perjury that the following statements are true and correct:

1. I am co-counsel for Plaintiff Justin Sherwood in this case.
2. I make this declaration in support of Plaintiff's motion asking the Court to remove confidentiality designations from certain records Defendants have produced with blanket designations as "Confidential" under the Protective Order in this case, ECF 60-1, as entered with modification through the Court's June 5, 2023 Minute Order (the "Order").
3. According to the website <http://www.50-a.org>, on March 17, 2023, Case 2022-27395 against Defendant Tiagom Reis was closed with findings that Defendant Reis had violated NYPD rules and was discourteous, imposing a Command Discipline – B level penalty – the loss of a single vacation day. *See* <https://www.50-a.org/officer/NUSK#discipline-details> (last accessed October 16, 2023).
4. Also according to 50-a.org, as of October 16, 2023, the CCRB's determinations as to Defendant John Madera were referred to the NYPD's Administrative Prosecution Unit ("APU") on November 7, 2022 and a potential APU prosecution is apparently still pending. *See* <https://www.50-a.org/complaint/202201433> (last accessed October 16, 2023).

5. Also according to 50-a.org, on March 6, 2023, the NYPD closed Case 2022-27535 against Defendant Samantha Sturman, arising from the August 26, 2021 incident, with a recommendation that she receive additional training. See <https://www.50-a.org/officer/5UTP#discipline-details> (last accessed October 16, 2023); <https://www.50-a.org/complaint/202105089> (last accessed October 16, 2023).

6. According to 50-a.org, as of October 16, 2023, the matter against Defendant Detective Sturman has been referred to the NYPD's APU since December 16, 2022, and a potential prosecution is apparently still pending. See <https://www.50-a.org/complaint/202106307> (last accessed October 16, 2023).

7. Attached as Exhibit 1 is a true copy of a transcript of the May 30, 2023 conference in this matter.

8. Attached as Exhibit 2 is a true copy of an excerpt from the document called "2022-15611 worksheet," which Plaintiff is seeking to file under seal because Defendants have designated it as "Confidential" under the Order in its entirety.

9. Attached as Exhibit 3 is a true copy of an April 13, 2023 Police Commissioner's Penalty Departure letter relating to the CCRB's investigation into the October 18, 2021 incidents involving Defendants Samantha Sturman and Arthur Sturman, which is publicly available online at https://www.documentcloud.org/documents/23783584-202106307_tax961336_redacteddepartureletterpdf (last accessed October 16, 2023).

10. Attached as Exhibit 4 is a true copy of the document called "Referral to City Hall and NYPD (2.22.22)", which Plaintiff is seeking to file under seal because Defendants have designated it as "Confidential" under the Order in its entirety.

11. Attached as Exhibit 5 is a true copy of the document called “2021-11695 ICMT.PDF”, which Plaintiff is seeking to file under seal because Defendants have designated it as “Confidential” under the Order in its entirety.

12. Attached as Exhibit 6 is a true copy of a document called “202105205ClosingReport”, which Plaintiff is seeking to file under seal because Defendants have designated it as “Confidential” under the Order in its entirety, and which is part of the larger archive “2021-05205 Additional Documents.”

13. Attached as Exhibit 7 is a document with a true copy of the recording titled “202106307_20220404_1134_I.MP3” embedded within it, which Plaintiff is seeking to file under seal because Defendants have designated it as “Confidential” under the Order in its entirety.

14. Attached as Exhibit 8 is a true copy of the document called “#6316855448.subscriber_20211118-092511”, which Plaintiff is seeking to file under seal because Defendants have designated it as “Confidential” under the Order in its entirety.

15. Attached as Exhibit 9 is a document with a true copy of the recording titled “1676952631815_202105089_2.mp3” embedded within it”, which Plaintiff is seeking to file under seal because Defendants have designated it as “Confidential” under the Order in its entirety.

16. Attached as Exhibit 10 is a true copy of the bill text for S8496 (2020) related to the 2020 repeal of New York Civil Rights Law (“CRL”) § 50-a and the related amendments to the FOIL.

17. Attached as Exhibit 11 is a true copy of the sponsor memo for S8496 (2020) related to the 2020 repeal of CRL § 50-a and the related amendments to the FOIL.

18. Attached as Exhibit 12 is a true copy of a transcript of Hon. Katherine Polk Failla's oral decision in *Uniformed Fire Officers Association et al. v. de Blasio et al.*, 20-cv-5441 (2020), which is mentioned and discussed in Plaintiff's Memorandum of Law.

19. Attached as Exhibit 13 is a true copy of a redacted version of the CCRB Closing Report regarding the August 26, 2021 incident involving Det. Samantha Sturman, a copy of which is available online at https://www.documentcloud.org/documents/23836526-202105089_redactedclosingreport_redacted (last accessed October 16, 2023).

Dated: Brooklyn, New York
October 16, 2023



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